

Remarks/Argument

Claim Summary

By this Amendment, claim 9 has been amended.

Claims 1-9 and 17-28 remain pending in the application.

Allowable Claims

Applicants acknowledge with thanks the indicated allowability of original claims 1-8.

35 U.S.C. ¶103

By this Amendment, independent claim 9 has been revised to recite that the anneal process utilized to form the silicide layer includes two anneal processes, one of which is executed at a temperature which is at least 650°C and which is less than 750°C.

Claim 9 thus defines over the Examiner's combinations of references which each rely on the teachings of Fann-Mei Yang et al. ("Formation of Cobalt Silicide under a Passivating Film of Molybdenum or Tungsten"). Applicants acknowledge that Fann-Mei Yang et al. described a cobalt silicidation which utilizes a first anneal (400°C to 600°C) which is then followed by a second anneal. However, Yang et al. clearly teaches that the second anneal is carried out at 750°C to completely transform the cobalt/silicon into cobalt silicide.

In contrast, the second anneal of the invention of claim 9 (and its dependents) is executed at a lower temperature of 650°C or more (but less than 750°C). See, for example, column 4, lines 56-63, and column 5, lines 53-58, of the reissue specification. It is noted that agglomeration of the silicide layer can become severe at high anneal temperatures of 750°C or more, which in turn can result in increased contact resistance.

Fann-Mei Yang et al. does not teach or suggest the use of a lower temperature second anneal as recited in claim 9 (and its dependents). For at least this reason¹, Applicants respectfully contend that claims 9 and 17-28 define over the combination of Fulford, Jr. et al, Sheng et al., Tsai et al., and Fann-Mei Yang et al.

Reconsideration of the rejection under 35 U.S.C. ¶103 is therefore respectfully requested.

Conclusion

No other issues remaining, reconsideration and favorable action upon the claims 1-9 and 17-28 now pending in the application are requested.

Respectfully submitted,
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¹ Applicants do not acquiesce to the Examiner's reasoning underlying the rejection under 35 U.S.C. ¶103, and further, Applicants do not acquiesce to the instances of Official Notice taken by the Examiner. Rather, it is believed that the argument set forth herein is sufficient to overcome the rejection under 35 U.S.C. ¶103.